



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/510,290

03/11/2005

Herbert Wehler

10016.512

1625

39231

7590

03/31/2009

SMITH LAW OFFICE

8000 EXCELSIOR DRIVE, SUITE 301

MADISON, WI 53717

EXAMINER

BONK, TERESA

ART UNIT

PAPER NUMBER

3725

MAIL DATE

DELIVERY MODE

03/31/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/510,290	<b>Applicant(s)</b> WEHLER ET AL.	
	<b>Examiner</b> TERESA BONK	<b>Art Unit</b> 3725	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-25 is/are pending in the application.
- 4a) Of the above claim(s) 2-4,6-12 and 15-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5,13,14 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Blasé (US Patent 6,354,070). Blasé discloses a line guidance unit for guiding lines, the line guidance unit having a loaded condition and an unloaded condition, and comprising: a first fixed end; a second movable end (Column 1, lines 5-11); a plurality of segments (3) disposed between the first fixed end and the second movable end and each segment includes an overlap region (15 or 18) and the segments define a line channel (3a); a longitudinal support strip (2) joining at least three segments and extending between the first fixed end and the second movable end (Figure 2 and 2A); and a common contact surface on each segment overlap regions and each common contact surface engages the common contact surface on an adjacent segment to dispose the line guidance unit in an arc-shape when the line guidance unit is in unloaded extended condition and for resisting loads when the line guidance unit is in the loaded condition (Figure 2 and 2A and Column 4, lines 45+).

With regards to claim 5, Blasé discloses wherein the common contact surface is a bearing surface between a protrusion (18) formed on a segment and an adjacent segment when the line

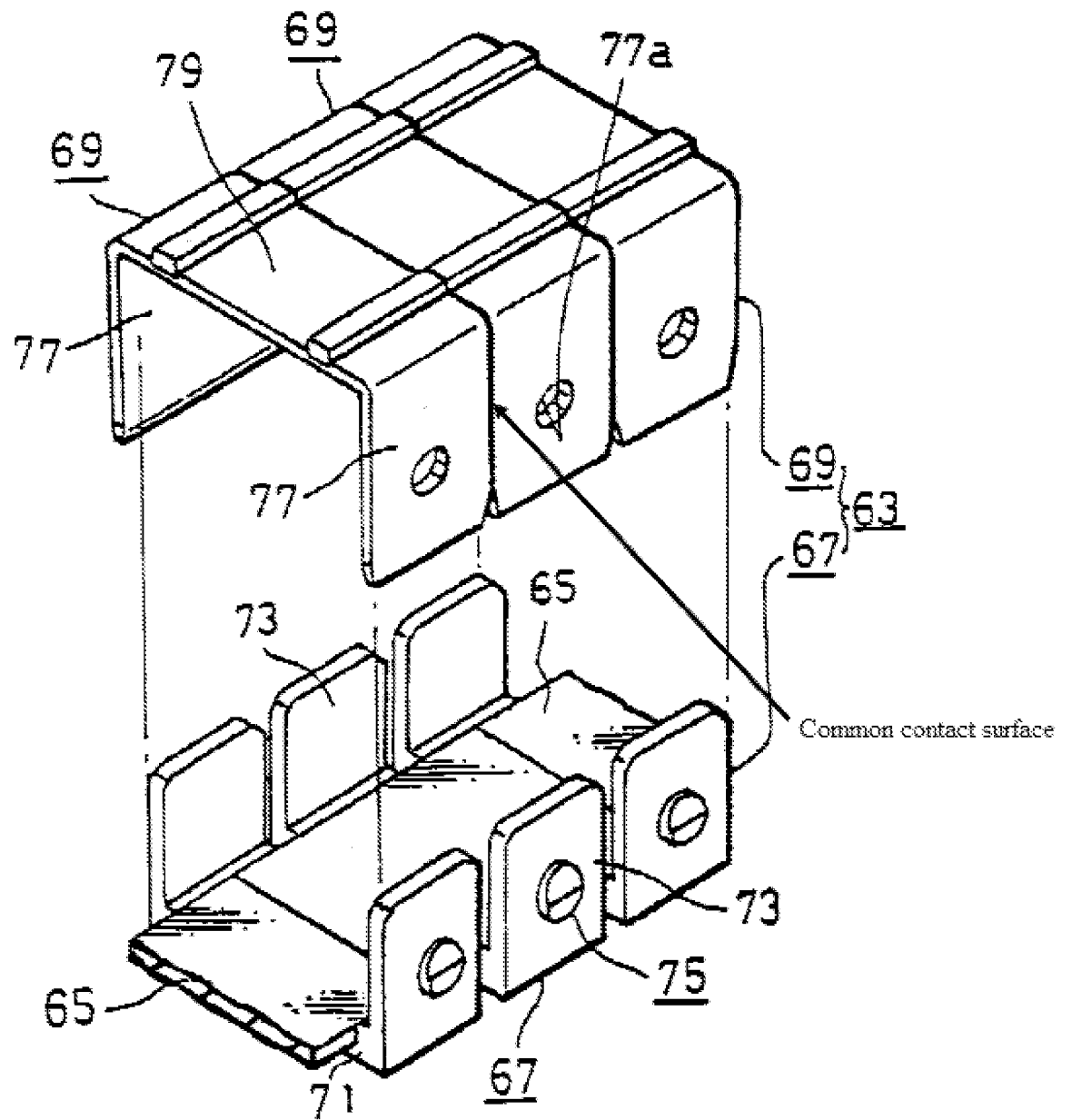
Art Unit: 3725

guidance unit is in the unloaded condition (Columns 4 and 5, lines 65+ and lines 1-8, respectively).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Fukao (US Patent 5,836,148). Fukao discloses a line guidance unit for guiding lines, the line guidance unit having a loaded condition and an unloaded condition, and comprising: a first fixed end; a second movable end; a plurality of segments (63) disposed between the first fixed end and the second movable end and each segment includes an overlap region (Figure 6, 77 and 73) and the segments define a line channel; a longitudinal support strip (65) joining at least three segments and extending between the first fixed end and the second movable end; and a common contact surface on each segment overlap regions and each common contact surface engages the common contact surface on an adjacent segment to dispose the line guidance unit in an arc-shape when the line guidance unit is in unloaded extended condition and for resisting loads when the line guidance unit is in the loaded condition (See attached Figure 6 on page 5 of this Office Action).

F i g . 6



Art Unit: 3725

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blasé. Blasé discloses the invention substantially as claimed except for the particular shape of the support/link sections. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide trapezoidal shaped support sections and rhomboidal shaped link sections because, as Blasé states on Column 1, lines 45-50, the guide links can be of different heights and width in order to accommodate the number of cables and because the Applicant has not disclosed that the particularly claimed shapes provides an advantage, is for a particular purpose, or solves a stated problem.

***Response to Arguments***

Applicant's arguments filed December 29, 2008 have been fully considered but they are not persuasive.

The Applicant's arguments are not on point with regards to the "pretensioned" arguments since this language is not in the claims. As for the loaded and unloaded conditions, the claims have not set forth any particular "loads" or given description to the structure of the line guidance unit in order to accommodate for these particular loads. It is inherent that line guidance units, including the ones set forth in Blasé and Fukao, are designed to be in an arc-shape in the

Art Unit: 3725

unloaded conditions and resist loads in the loaded conditions. The Examiner maintains that the Blasé and Fukao references meets the claimed apparatus limitations at set forth in claims 5, 13, 14, and 25.

In addition, to further clarify the “common contact surfaces” in the Blasé reference, please see attached Figure 2 below.

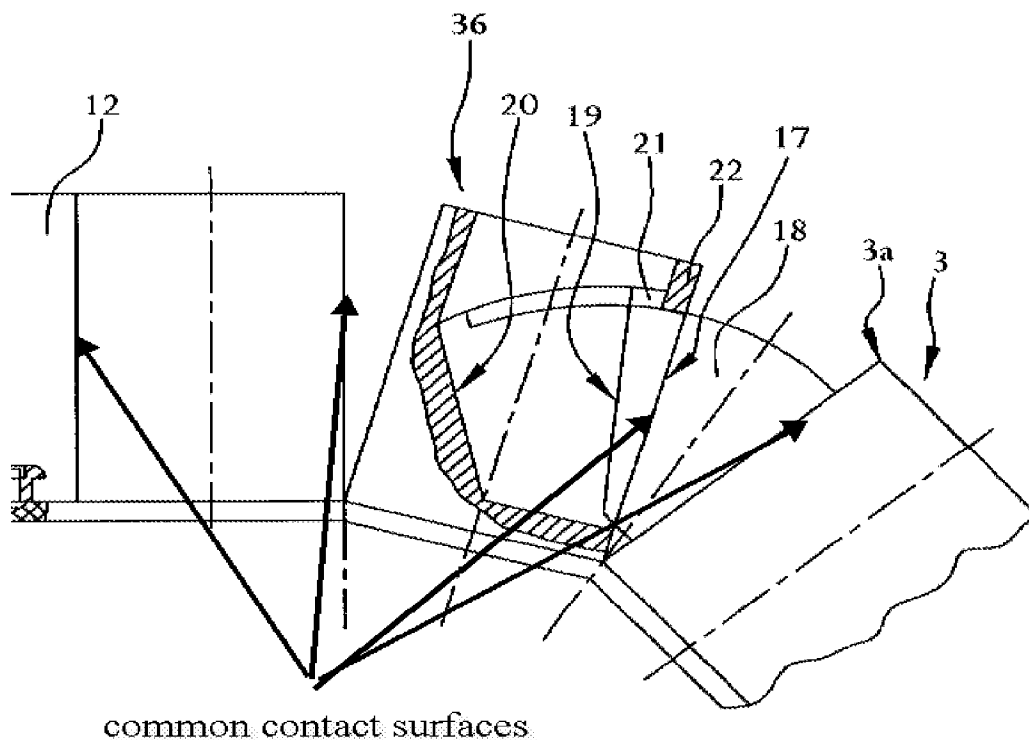


FIG. 2

With regards to the Applicant's arguments pertaining to claims 13 and 14, the Examiner maintains that the Blasé references teaches that the guide links can be a different heights and width in order to accommodate the number of cables (Column 1, lines 45-50), this would include trapezoidal and/or rhomboidal shapes.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TERESA BONK whose telephone number is (571)272-1901. The examiner can normally be reached on Monday-Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on 571-272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dana Ross/  
Supervisory Patent Examiner, Art Unit 3725

Teresa M. Bonk  
Examiner  
Art Unit 3725